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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,169	09/17/2003	Bernard J. Eastlund	50109/00207	8563

7590 09/20/2004
FAY KAPLUN & MARCIN, LLP
17th Floor
100 Maiden Lane
New York, NY 10038

EXAMINER

WILLIAMS, JOSEPH L

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

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Office Action Summary	Application No. 10/667,169	Applicant(s) EASTLUND ET AL.	
	Examiner Joseph L. Williams	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-18 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/17/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

The information disclosure statement filed 2/19/2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Allowable Subject Matter

3. Claims 15-18 are allowed.

The following is an examiner's statement of reasons for allowance: Regarding independent claim 15, the prior art of record neither shows nor suggest an electrodeless lamp comprised of, in part, a lamp bulb envelope of single crystal sapphire tubing, the lamp bulb envelope having a substantially cylindrical shape and having an inner diameter of between 1 mm and 25 mm and an outer diameter of at least 2 mm, an inside surface of the lamp bulb envelope being capable of withstanding 1,4000 C with a power density greater than 50 watts/cm³ without a rotation; and a plasma having a temperature of at least 1,000⁰ C, is generated within the lamp bulb envelope.

Due to their dependency, claims 16-18 are necessarily allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. This application is in condition for allowance except for the following formal matters:

Please see the above Action.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Williams whose telephone number is (571) 272-2465. The examiner can normally be reached on M-F (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph L. Williams
Primary Examiner
Art Unit 2879



**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

FORM PTO-1449

ATTY. DOCKET NO.
50109/00207

SERIAL NO.
10/667,169

APPLICANT(S)
Bernard J. Eastlund et al.

FILING DATE
September 17, 2003

GROUP
2879

U. S. PATENT DOCUMENTS

EXAMINER INITIAL	PATENT NUMBER	PATENT DATE	NAME	CLASS	SUBCLASS	FILING DATE
JW	5,497,049	Mar. 5, 1996	Fischer			

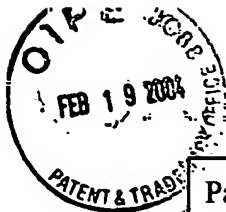
FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE (M/D/Y)	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS

EXAMINER INITIAL	AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.	
JW	Declaration of Leonard Reed, December 6, 2003 (1 sheet).	
JW	Declaration of Maurice Levis, January 5, 2004 (2 sheets).	
	Data Sheet; High Performance Infrared Sources for Military Application (2 sheets).	no month or year
JW	News Release; 3/4/70 - TX Series Sapphire Tubular Envelope Lamps (2 sheets).	no year or month
	Data Sheet; TX Series Sapphire Tubular Envelope Lamps (3 sheets).	no year or month
	Price Lists; Sapphire Envelope Xenon D.C. Short Arc Lamps (2 sheets).	no year or month
	Engineering Note; Characteristics of the SA-150X-2TL Sapphire-Tubular Lamp Point Source (1 sheet).	no year or month
	Pictures; Sapphire Envelope Lamps (4 sheets).	no year or month

EXAMINER <i>Joseph William</i>	DATE CONSIDERED <i>9/15/04</i>
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



Patent/Application Serial No.	Filing/Issue Date	Title
10/460,688	June 13, 2003	High Intensity Discharge Lamp with Single Crystal Sapphire Envelope
6,414,436	July 2, 2002	Sapphire High Intensity Discharge Projector Lamp
6,661,174	December 9, 2003	Sapphire High Intensity Discharge Projector Lamp
6,483,237	November 19, 2002	High Intensity Discharge Lamp with Single Crystal Sapphire Envelope
6,652,344	November 25, 2003	High Intensity Discharge Lamp with Single Crystal Sapphire Envelope

However, in abundance of caution, Assignee submits the documents for the Examiner's review and respectfully request that the documents be considered during the prosecution of this application, and that the documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

2. A copy of each patent, publication or other information listed on the modified PTO form 1449 is enclosed.
3. By submitting this Information Disclosure Statement, Assignee makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.
4. By submitting this Information Disclosure Statement, Assignee makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).
5. By submitting this Information Disclosure Statement, Assignee makes no representation

George W. Wilson

9/15/04

Organization TC 2600 Bldg./Room Jeff

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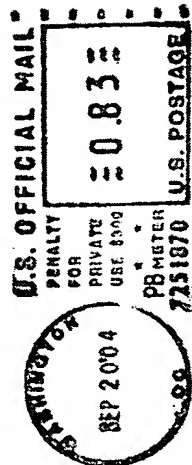
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